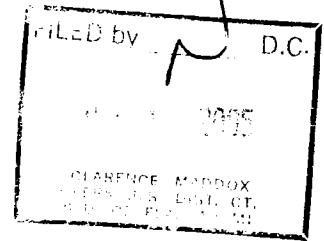


PROB 12B  
(SD/FL 9/96)

SD/FL PACTS No. 65365

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 00-6246-Cr-DMM-001**



**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Dennis D'Agosta**

Name of Sentencing Judicial Officer: The Honorable Donald M. Middlebrooks, U.S.  
District Court Judge, West Palm Beach, Florida

Date of Original Sentence: March 2, 2001

Original Offense: Making False Statements to a Federally Insured Institution, in violation  
of Title 18 U.S.C. § 1014, a Class "B" Felony.

Original Sentence: Eighteen (18) months Bureau of Prisons to be followed by five (5) years  
Supervised Release to run concurrent with sentence imposed in Case  
No. 00-6256-Cr-Zloch. Special conditions: 1) Defendant shall maintain  
full time, legitimate employment and not be unemployed for a term of  
more than 30 days, unless excused in writing by the U.S. Probation  
Officer. Further, the defendant shall provide documentation including,  
but not limited to pay stubs, contractual agreements, W-2 Wage and  
Earnings Statements, and other documents requested by the U.S.  
Probation Officer; 2) Defendant shall obtain prior written approval from  
the U.S. Probation Officer before entering into any self-employment; 3)  
Defendant shall not incur any further debt, including but not limited to  
loans, lines of credit or credit card charges, either as a principal or  
cosigner, as an individual or through any corporate entity, without first  
obtaining written permission from the U.S. Probation Officer; 4)  
Defendant shall file all past due income tax returns and remain current  
on all tax obligations under the supervision of the U.S. Probation Officer  
and to the satisfaction of the Internal Revenue Service; and 5) restitution  
in the amount of \$25,000.

Type of Supervision:  
Supervised Release

Date Supervision Commenced:  
May 20, 2003

Handwritten signature or initials, possibly "29/2003" or similar, written in ink.

PROB 12B  
(SD//FL 9/96)

SD/FL PACTS No. 65365

**THE HONORABLE DONALD M. MIDDLEBROOKS, JUDGE**  
**Request for Modifying the Conditions or Term of Supervision**  
**June 28, 2005**  
**Page 3**

**NAME OF OFFENDER: DENNIS D'AGOSTA**

**CASE No. 00-6246-CR-DMM-001**

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## **PETITIONING THE COURT**

[X] To modify the conditions of supervision as follows:

**The defendant shall pay restitution at the rate of \$150.00 per month until such time as the court may alter that payment schedule in the interest of justice. The U. S. Probation Office and U. S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay.**

## **CAUSE**

A financial investigation was conducted by the U.S. Probation Office to determine the defendant's ability to establish a monthly restitution repayment schedule. The defendant has submitted all requested documentation, and a financial analysis was completed. It has been determined that the defendant could make payments in the amount of \$100.00 per month towards his Court obligations. Mr. D'Agosta is also serving a concurrent five (5) year term of Supervised Release (Docket No.00-6256-CR-Zloch), in which that Court ordered the defendant to pay restitution in the amount of \$ 116,995. Based on the defendant's two Court-ordered financial obligations, he has been instructed to pay \$150.00 per month towards each case, a total of \$300.00 per month.

A recent United States Court of Appeals 11<sup>th</sup> Circuit Decision, United States vs David Prouty, determined that the setting of a schedule for payment of restitution is a Core Judicial function, under the Mandatory Victim's Restitution Act, and the District Court may not delegate its discretion to the U.S. Probation Officer pursuant to Title 18 U.S.C. §3664(f).

Pursuant to that decision, it is requested that Your Honor sign the attached Petition for Supervised Release Action modifying the Conditions of Supervised Release as cited above.

Mr. D'Agosta has been advised of his rights relative to the modification of the terms of supervised release, and has agreed to the proposed modification. He has waived his rights

PROB 12B  
(SD//FL 9/96)

SD/FL PACTS No. 65365

**THE HONORABLE DONALD M. MIDDLEBROOKS, JUDGE**  
**Request for Modifying the Conditions or Term of Supervision**  
**June 28, 2005**  
**Page 3**

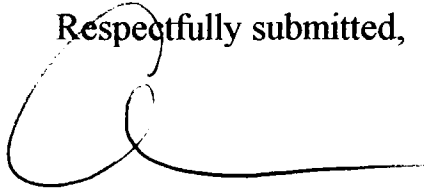
**NAME OF OFFENDER: DENNIS D'AGOSTA**

**CASE No. 00-6246-CR-DMM-001**

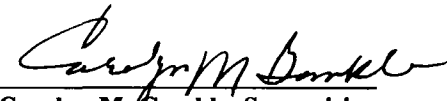
to legal counsel and a hearing on this matter as evidenced by the attached signed Waiver of Hearing( Probation Form 49).

Respectfully submitted,

by

  
Ann M. Roman  
U.S. Probation Officer  
Phone: (954) 769-5509  
Date: June 28, 2005

Reviewed by:

  
Carolyn M. Gamble, Supervising  
U.S. Probation Officer

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**THE COURT ORDERS:**

- ☐ No Action  
☒ The Modification of Conditions as Noted Above

  
Signature of Judicial Officer

  
Date

PROB 49  
(3/89)

SD/FL PACTS #65365

**CONFIDENTIAL  
DO NOT FILE DO NOT SCAN  
RETURN TO PROBATION**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall pay restitution at the rate of \$150 per month until such time as the court may alter that payment schedule in interest of justice. The U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay.

Witness: \_\_\_\_\_

\_\_\_\_\_  
U.S. Probation Officer  
Ann Roman

Signed: \_\_\_\_\_

\_\_\_\_\_  
or Supervised Releasee

Dennis D. Agosta

\_\_\_\_\_  
Probationer

6/22/05  
Date